

JAN 17 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JORGE FELIX-RAMIREZ,

Defendant - Appellant.

No. 05-10223

D.C. No. CR-04-00283-RLH/RJJ

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN and SILVERMAN, Circuit Judges.

Jorge Felix-Ramirez appeals the sentence imposed following his guilty plea to unlawful reentry of a deported alien in violation of 8 U.S.C. § 1326. Felix-Ramirez contends that his sentence in excess of two years, based on a sentencing

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

enhancement under 8 U.S.C. § 1326(b)(2) for a prior drug trafficking conviction, is illegal and violated his Sixth Amendment rights under *Apprendi v. New Jersey*, 530 U.S. 466 (2000). As Felix-Ramirez acknowledges, his contention has been rejected by this court. *See United States v. Quintana-Quintana*, 383 F.3d 1052 (9th Cir. 2004).

AFFIRMED.